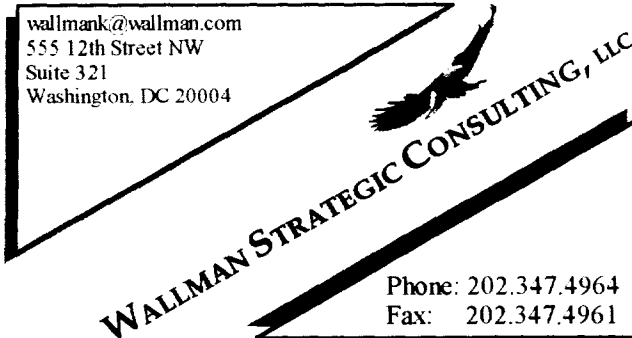


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FEDERAL COMMUNICATIONS COMMISSION

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Kathleen M.H. Wallman

October 27, 1998

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554


Re: *Ex parte* submission-DBS Public Interest Obligations (In the Matter of  
Implementation of Section 25 of the Cable Television Consumer Protection and  
Competition Act of 1992-FCC-MM Docket 92-25)

Dear Ms. Salas:

93-25

Enclosed are two copies of separate correspondence submitted to Chairman Kennard and  
Chairman Kennard, Commissioner Ness, Commissioner Furchgott-Roth, Commissioner Powell, and  
Commissioner Tristani in connection with the above proceeding.

Sincerely,

  
Kathleen M. H. Wallman

Enclosures

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STANFORD UNIVERSITY  
OFFICE OF THE PRESIDENT

*pls for to*  
*202-3474967*

October 15, 1998

The Honorable William E. Kennard  
Chairman, Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Kennard:

As you know, on October 22, the Federal Communications Commission is scheduled to consider and further define the public interest obligations of direct broadcast satellite (DBS) providers. Stanford is part of a university coalition, ResearchTV, urging the FCC to require DBS providers to devote a small percentage of their broadcast capacity to programming on research and education.


Under the Cable Television Consumer Protection and Competition Act of 1992, DBS providers are required to make 4%-7% of their capacity available for public interest programming. The decision of what constitutes such programming, however, has been left largely to the providers, which raises concerns about whether the public interest will truly be served. Because the DBS medium provides great opportunities for universities to broadly disseminate information about their research and educational activities, Stanford and the other ResearchTV institutions have recommended that the FCC:

- Require DBS providers to commit the maximum 7% of capacity to public interest programming and devote one-third of that 7% to programming by accredited educational institutions.
- Establish an independent body — with one-third representation from accredited educational institutions — to determine what programming meets the public interest requirement.
- Prohibit DBS providers from charging access fees to non-profit entities for public interest programming.

I hope that you will give these recommendations serious consideration during next week's deliberations.

Attached is a one-page fact sheet on the issue prepared by ResearchTV.

Sincerely,

  
Larry Horton  
Director of Government and  
Community Relations

**DBS AND THE PUBLIC INTEREST:  
RESEARCH TV'S POSITION IN A NUTSHELL**

**WHY THE FCC SHOULD DO WHAT RESEARCH TV URGES:**

- **OPPORTUNITY TO DO SOMETHING REALLY GREAT FOR PUBLIC INTEREST PROGRAMMING.** Congress had great foresight in providing for capacity for public interest programming on an ideal medium for broad distribution, even to remote, sparsely populated areas. The FCC should take its cues from Congress and take a strong stand for the public interest.
- **HUNDREDS OF CHANNELS, AND PEOPLE STILL COMPLAIN THAT THERE'S NOTHING ON.** The institutions behind Research TV have wonderful content that practically jumps off the shelf it's so good. There are many powerful examples. The FCC has a tremendous opportunity to unleash the power of this content and make it available to millions of people beyond the institutions that created it. To do that, the FCC will have to take affirmative steps to make sure that the public doesn't end up with the same old stuff.

**WHAT THE FCC SHOULD DO:**

- **SEVEN PERCENT.** The law says that the FCC should require DBS providers to devote 4 to 7 percent of capacity to public interest programming. The public deserves the full measure, the full 7 percent, and it should be available where the majority of viewers will get it and see it, not in tiers to which few people subscribe.
- **DBS SHOULD NOT BE ITS OWN GATEKEEPER.** There should be an independent body to determine which programmers are carried in fulfillment of the public interest obligation. If DBS providers decide for themselves, they will pick the programmers from whom they stand to benefit the most financially, and the public will get more of the same old stuff. The FCC is supposed to be the guardian of the public interest, and letting the DBS providers run the show is no way to fulfill that responsibility.
- **EDUCATIONAL INSTITUTIONS = ACCREDITED INSTITUTIONS.** One of the three categories of public interest programming that Congress wanted to see carried on DBS systems was programming by educational institutions. The FCC should rule that one-third of the public interest capacity must be available to educational institutions. That's the only way to avoid being squeezed out. The FCC should also rule that educational institutions means accredited institutions. That way, the FCC and the public will know that the product is of the high quality that accredited institutions demand of their faculty.
- **NO FEES FOR ACCESS BY NONCOMMERCIAL EDUCATIONAL PROGRAMMERS.** The law allows the FCC to decide that there will be no costs passed on to such programmers, and the FCC should so rule. Any charge would diminish the amounts available to such nonprofit entities for research and programming.

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October 15, 1998

Chairman William Kennard  
Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani  
Federal Communications Commission  
1919 M Street, NW  
Washington, D.C. 20554

RE: Implementation of Section 25 of the Cable Television Consumer and Competition Act of 1992  
Direct Broadcast Satellite Public Service Obligations  
MM Docket No. 93 – 25

Dear Chairman Kennard and Commissioners:

I am writing to express the University of California's strong support for ensuring that accredited educational institutions, including major research universities, have access to DBS satellite channels as envisioned in Section 25 of the Cable Television Consumer Protection and Competition Act of 1992. The act requires each DBS operator to set aside four to seven percent of its channel capacity "exclusively for noncommercial programming of an educational or informational nature" and defines eligible programming suppliers to include: (1) educational television stations, (2) other public telecommunications entities, and (3) public or private educational institutions. It is my understanding that the Commission will act on this item at your October 22 meeting.

The University, with its nine campuses and three national laboratories, has the ability, especially in partnership with other universities, to offer high-quality educational and informational content to the nation as a whole. Thus, we urge you to adopt a process for allocating this channel capacity that will maximize the likelihood that universities such as the University of California will have a chance to broadcast its programming to DBS subscribers. Specifically, UC supports the position advocated by Research TV (a coalition of universities that provide television programming, of which UC is a member) that:

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- Educational institutions should be allocated a fixed share of the channel capacity. Congress identified educational institutions as one of the three categories that should be providing public interest programming over DBS networks. To ensure a fair allocation among public interest entities, we urge the Commission to set-aside some portion, preferably one-third, of the public interest programming capacity for accredited educational institutions.
- Educational institutions need to be defined as accredited institutions. Congress narrowed its definition from earlier drafts of Act by using the term "educational institution" as opposed to the more general phrase "entity for educational purposes." In order to ensure that quality content from a known entity with a track record of academic success is provided to DBS subscribers, we urge you to define "educational institution" to encompass only those institutions that are accredited by a recognized accrediting body.
- There needs to be a fair mechanism to choose among eligible providers of programming. We urge the Commission to establish some process for selection of those educational entities which will receive the allocated channel capacity. We urge that a process be established that would select programming providers through a fair and merit-based competition, similar to the way our universities compete for valuable Federal research funding. This would ensure that DBS subscribers have access to programming that meets the objectives of the law – high quality as well as high educational content.
- Fees should be non-existent or affordable. The law allows the Commission to require the DBS providers to provide access to channel and broadcasting capacity at no or low cost to the educational providers. We urge you to do so. Our funds for producing programming are very limited and charging for access to DBS channels would diminish the amount of high-quality programming that the University could produce.

The University of California currently operates one low-power broadcast station. Emmy award-winning UCSD-TV is a non-commercial 24-hour a day broadcast station originating from the La Jolla campus of the University of California, San Diego. UCSD-TV was created in 1993 to extend the activities of the University into the San Diego community and to bridge the diverse intellectual, scientific and artistic activities of the region. UCSD-TV does this through a combination of original productions, taped lectures and events, and acquired programs covering a wide variety of subjects.

In addition, the other eight UC campuses produce original programming and the University is considering a system-wide initiative to create and broadcast more programs to a wider audience in fulfillment of the University's public service mission as a land-grant institution. UC also fulfills its instructional mission by broadcasting courses directly into K-12 schools for use in teacher training and teacher professional development.

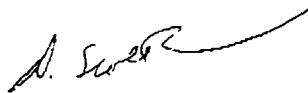
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As a member of Research TV, UC is joining with other universities to seek ways to use television as a medium to inform the general public about recent discoveries in the sciences and humanities. Providing that kind of content over a DBS channel would fulfill the intent of the 1992 legislation to give DBS subscribers the opportunity to have access to new educational and informational programming resources of high quality.

Thank you for considering our views in this matter.

Sincerely,



A. Scott Sudduth  
Assistant Vice President  
Federal Governmental Relations

cc: President Atkinson  
Vice President Darling  
Vice President Kennedy  
Provost & Senior Vice President King  
Vice Provost Tomlinson-Keasey  
Associate Vice President Lynn  
Coordinator Greenspan  
Senior Legislative Analyst Peterson